

## THE POLYNESIAN.

HONOLULU, DECEMBER 5, 1846.

The 28th ultimo was the third anniversary of the declaration by the Governments of Great Britain and France of their engagement, reciprocally, to consider the Sandwich Islands as an Independent State, and never to take possession, neither directly nor under the title of Protectorate, nor under any other form, of any part of the territory of which they are composed.

It appears by the document itself, that that engagement was based on the consideration of the existence in the Sandwich Islands of a Government capable of providing for the regularity of its relations with foreign nations.

As the high contracting parties did not state what particular features or traits, in the character of the Government or people, had led them to so favorable a consideration of their capability, their meaning must be sought in the natural sense of the regularity of their relations with foreign nations. It appears to us, that to the regularity of the relations of an independent state with foreign nations, it is essential that that state should, in all things, act up to, and not go beyond the line of its duty to foreigners, as defined by the laws of nations and sanctioned by the example of other independent states. Relations strictly adhering to the course marked by that line would be regular; any deviation from that line, whether in not coming up to it, or in exceeding it, would be irregular in this Government; and by the same rule after that engagement, it would be irregular for either of these Governments, in their relations with this, to deviate from that line.

If they did so, it would render regularity on the part of this Government wholly impossible. They can never act regularly according to a rule not defined and regular in itself, nor do we believe that the Governments of Great Britain and France ever intended to apply such a rule to these Islands.

As the contrary has been maintained by those who consider themselves authorities in the matter, we shall take some pains to state the grounds of our opinion.

1st. It would be unworthy of these great nations to exact regularity of this young kingdom, just emerging from barbarism, and yet to act towards it without rule or regularity.

2d. There is no other rule consistent with the independence and sovereignty that they have pledged themselves to respect, that can insure the desired regularity, but to require nothing of this Government that may not be required of themselves by any other foreign nation, or that they cannot require of such nations according to international law and usage.

3d. In rendering explanations to France and the United States, after the seizure of these Islands by the Right Honorable Lord George Paulet, Great Britain avowed a policy in accordance with these principles.

On the 25th of June, 1843, the British Minister in Washington, by direction of the Earl of Aberdeen, addressed a note to Mr. Upshur, disavowing the occupation of these Islands, and ending with the following paragraphs:

"Instructions which during the past year were addressed by Her Majesty's Government, to the British Consul residing in the Sandwich Islands, and to the naval officers employed on that station, enjoined those officers to treat upon all occasions the native rulers of the Sandwich Islands with forbearance and courtesy; and while affording due and efficient protection to aggrieved British subjects, to avoid interfering harshly or unnecessarily with the laws and customs of the native Government."

"It has been the desire of the British Government, in regulating the intercourse of its public servants with the native authorities of the Sandwich Islands, rather to strengthen those authorities, and to give them a sense of their independence by leaving the administration of justice in their own hands, than to make them feel their dependence upon foreign powers by the exercise of unnecessary interference. It has not been the purpose of Her Majesty's Government to seek to establish a paramount influence in these Islands for Great Britain, at the expense of other powers."

"All that has appeared requisite to Her Majesty's Government, has been, that other powers shall not exercise there a greater influence than that possessed by Great Britain."

A similar declaration on behalf of Great Britain, was made about the same time, through Lord Cowley, to the Government of France; and in both declarations intimation was given that the British Government had resolved to acknowledge the independence of these Islands under their present sovereignty.

It is well known that the instructions here referred to, were conveyed to the British Consulate here, and to British naval officers in this ocean.

4th. If such were the policy of Great Britain, when only contemplating the recognition of Hawaiian independence, it would be monstrous to suppose that that nation would be less liberal, just and kind after the solemn acknowledgement of that independence.

5th. The Treaties of the 12th February, 1844, and 26th of March, 1846, are so many solemn acknowledgements of co-equality in the King as Sovereign, within the extent of his domain—of his authority over British subjects, limited only by these treaties, and of his right to resist any interference, beyond the clear meaning of these treaties, or beyond what would be tolerated by such other independent states.

6th. Since the mutual engagement between Great Britain and France, of the 28th November, 1843, the Earl of Aberdeen has repeatedly renewed the assurance that Great Britain is determined to adhere to that engagement, and that she only requires for her subjects, under the King's jurisdiction, that they be placed on the same footing with the subjects of other foreign powers, expressing a desire that that footing should be such as to avoid, so far as possible, future contention.

7th. Nothing can give a footing such as his Lordship very justly desires, except the mutual accord of all parties—that is, of the Hawaiian authorities, and of foreign consuls and other officers to take their stand, in all cases, upon the admitted law of nations, and the positive stipulation of the treaties to which these respective Governments are parties.

8th. On the part of France, few professions have been made, but the acts of her consul and of her naval officers, ever since her joint-engagement with England, confirms what the King's Commissioners understood from the mouth of M. Guizot, that that engagement was an acknowledgement of the King's sovereignty in all its plenitude.

On all points of duty, and even etiquette, the French authorities have, ever since, shown as much respect to the King and his authorities as they could show to those of the most powerful kingdom. Neither have they, in any case, attempted to over-ride the King's jurisdiction, act in defiance of his laws, or obtain redress in any other way, except in the regular way, established between states, however unequal in power, equally independent of each other.

For these and other reasons which we might adduce, we have always contended that the Governments of France and Great Britain never intended that their public agents here, should act in their relations with this Government, in any other manner than with the regularity, respect to the authorities, and deference to the laws that they would have to observe, holding the same situations under more powerful Governments.

But the question occurs—have all the agents and officers of foreign powers, since the joint engagement of Great Britain and France, acted in the spirit of that engagement, in the relations of their several nations, with the Hawaiian Kingdom?

It were easy for us to answer this question, by referring to cases that have long been before the public, but the task is an odious one, and if the public will only compare the principles contended for on both sides, with those laid down by Vattel and other Publicists for a nation to defend, and for foreign representatives not to transgress, they will be at no loss to decide whether the King's officers or other public men have shown the greatest desire of regularity in the conduct of relations with foreign powers.

SATURDAY, NOVEMBER 28TH.—The third anniversary of Hawaiian Independence was celebrated with the honors due the auspicious event. The usual salutes were fired at noon, flags raised, and upon the whole the native population seemed to enter into the festivities with considerable of a 4th of July spirit. The King entertained his chiefs and their families at dinner. Sixty persons sat down to the table. The naturalized subjects of His Majesty, dined together in a private manner at the Court House, where a very excellent dinner had been arranged for them through the exertions of F. W. Thompson, Esq., who had been invited to superintend the arrangements. In compliment to the principles of the King's Government, and his ministers—who had been invited to become subscribers in an unofficial manner,—wines and liquors were excluded. Previous to attacking the viands, an address appropriate to the occasion, was delivered by John R. Jasper, Esq. The dinner passed off very well, enlivened by many spirited toasts, and not a few pleasant speeches. In the evening the King gave a soiree, which was attended by his chiefs, the members of this Government, and many foreigners.—Among those presented on this occasion, we noticed Capt. Kilborn and lady, Dr. Watson, Capt. Nye and lady, Mrs. De Fiennes, Miss Mills, Stephen H. Williams, Esq., B. Stark, Esq., Captain S. J. Hastings, Mr. J. Bishop, Mr. T. A. Beardsley, Capt. Viller, of French ship Gange, and Capt. Barrin and Newcomb, of American ships Acasta and Rodman. The Consuls of the United States and Denmark availed themselves of the occasion to pay their respects to the King.

We were gratified to perceive that with but one exception, so far as came to our knowledge, the foreign merchants closed their places of business and otherwise displayed courtesy to the native rulers, who are desirous of commemorating certain of the prominent events in their history as national holidays and of awakening among their people an interest in their own politics, and preparing them to take a more active part in them, as they become enlightened. The natives appreciate respect shown to their institutions, and were gratified to perceive the foreign shipping in the harbor so prettily decorated on the occasion. The taste displayed by the Charles, Capt. Knox, of Boston, which wore the Hawaiian flag at the fore during the day, was particularly noticed. The Angelo, and Gen. Harrison, although dismantled, made a pretty display of bunting. But with the exception of the flag of the U. S. Commission and the British Consulate General, the other

flag staffs were bare. The Consul of France was away. It is to be supposed that these omissions of courtesy were mere inadvertencies, but where consular honors are so much sought after as in this place, it is but polite in those who receive them to remember the Government to which they are accredited, on its national days.

## Police Court, Dec. 1, 1846.

ATTORNEY GENERAL vs. PETER LE GUEVAL, Keeper of the French Hotel, charged with violating his bond in selling or furnishing spirituous liquors to a native chief.

The charge was fully proved by four witnesses on two occasions.

## DECISION.

"Peter le Gueval has sold liquors twice to \*\*\*\*\* and the charge is sustained. Fined \$500 for one offence, instead of two, which the law could exact."

LORRIN ANDREWS, Judge, &c., &c.

The above is abridged from the records of the Police Court. We omit the testimony, as the charge was fully sustained, and nothing offered in defence. The forfeiture in the bonds is high, but the law is right in throwing every shield possible around the native population, to save them from the evils of intoxicating drinks. Every individual who takes a license to sell to whites, fully understands the penalty of not complying with his bond, and when he evades it, calculates fully his chances between the profits on his sale and the risks of forfeiting \$500, which he has agreed to pay upon discovery. A matter so plain should never be compromised. Whoever is detected in violating his bond, should be certain of the full penalty of the laws. Internal smuggling of ardent spirits should be upon the same basis as the external; both acts, as this community is situated, are highly immoral. The community are aware that many of the chiefs have acquired a fondness for the excitement derived from ardent spirits, but that one and all, a few years since, they destroyed what stock they had, and subscribed to a temperance pledge. The principles of the Government are teetotal. The chiefs, as a body, have manfully adhered to their pledge, much to their credit and improvement. That one should be found to yield to solicitation or even voluntarily desire to taste again the forbidden article, is no matter of surprise. It is with great regret for the sake of both sufferers, that we have to record this case. But it may operate as a warning and a moral lesson. It shows that no rank in the eyes of the chiefs, screens the offender. In consideration to the feelings of the individual, who freely confessed his error, the King desires his name not to appear in print. By the Legislature he has been suspended from office. It is to be hoped that this example will be effectual on him and others. It is bad enough in a foreign nation to compel this to receive the poison, but there is greater turpitude in an individual, in defiance of his license, furnishing a native with what he is fully aware is likely to lead to his disgrace and perhaps ruin. The application to prosecute was made by a Hawaiian subject. That liquor is sold natives, is apparent from the fact that a woman was found lying drunk in the streets last Sunday.

## Extracts from Dispatches from Washington, on receipt of Mr. Brown's last Dispatches, in December last, accompanying the Memorial.

Mr. Buchanan "entirely repudiated the right of Mr. Brown to send a messenger at all," and "if he had that right, his dispatches were not of the least consequence." "The sympathies of the American Government were largely enlisted in His Majesty and His Government, and all its apparent difficulties." He further expressed "his disapprobation of Mr. Brown's having gone into the Hawaiian courts as an attorney." "The Department did not find it convenient to examine Mr. Brown's dispatches to ascertain if any reply was necessary."

On this occasion Mr. Buchanan refused to pay one dollar of the expenses of Mr. Brown's messenger, but admitted that had he considered the dispatches of any importance, he would have paid.

We give these to refresh the memory of those who are disposed to rake over the dying embers of past difficulties.

Further, the folly of Captain Lawrence of the California last fall, in forcibly resisting the mandate of the court of Oahu was reproved by his owners, and he had to pay several thousand dollars in lawsuits from his men. The owners stood ready to satisfy Hughes upon his arrival, for the injustice done him here.

WEATHER.—The weather for the ten days previous to the 2d December, has been very rainy.—More rain has fallen in our village within that period than perhaps during the entire year. It was much needed, and has greatly refreshed vegetation besides cleansing the streets. It has, however, put back work upon the numerous vessels repairing in our harbor. The "Mariposa" has re-coppered and sailed for Manila—the "Angelo" is nearly through with her repairs, and the "Gen. Harrison" and "Henry" are undergoing theirs. All these merchantmen, besides several whalers, have had extensive repairs and coppered at our ship yards this season, which has been the busiest for shipwrights ever known.

## [COMMUNICATED.]

MR. EDITOR: On Thursday last, we had the pleasure of attending the annual exhibition of the Oahu Charity School, now under the instruction of Mr. E. L. Hatch. This examination appeared to us to evince a better acquaintance with the elementary parts of an English education and a greater degree of improvement on the part of the pupils than any we have attended, for several years past; this we inferred, not so much from the correctness, with which the questions put by the teacher were answered, as from the readiness generally displayed, especially by the more advanced scholars, in replying to the desultory questions, proposed by several of the gentlemen present, questions for which they could have made no previous preparation. The progress made in geography, the rudiments of astronomy, and in the common principles of natural philosophy, was the more gratifying, as these were studies with which they had appeared familiar at the last examination.

A great allowance ought also to be made for the pupils as well as their instructor, as the recitations are always in the English language, which, unlike schools of a similar standing at home, is not the mother tongue of the pupils here, and they are often embarrassed in their explanations, for want of that constant use of the English tongue possessed by those whose parents and relations converse in the same idiom as that taught in school. Notwithstanding, however, the many little circumstances which must always render instruction in English in our Islands a more difficult task than in countries more civilized, where children have the benefit of example and precept at home, we feel it due to the present teacher to admit that, for the short time he has been engaged, he must have exercised no common degree of assiduity in advancing his scholars in their various studies to their present proficiency.

At the close of the exercises, His Excellency, the Minister of Public Instruction, made some very appropriate remarks, in which he impressed the pupils with the importance of the pursuit of knowledge in the rising generation, as a means by which the Hawaiian nation would be advanced and placed nearer on an equality with foreigners, whose superior standing was mainly to be attributed to their greater knowledge of the sciences and arts. His Excellency alluded in this connection to the remarks which Haaililo had often made upon these subjects, while in the United States and Europe. What His Excellency said was the more intelligible to the pupils, as he expressed himself in the native as well as in the English language.

After the presentations of two rewards of merit, (needle work neatly executed) by two young ladies, formerly members of the school, but now under the protection and care of Mr. Stephen Reynolds, a gentleman who has uniformly displayed much interest in this class of children, as also having been one of the founders of this charity, and also the presenting of two volumes of the Youth's Companion, by Dr. T. C. B. Rooke, a prayer was offered by His Excellency, the Minister of Public Instruction, and the exercises closed, after having been witnessed with much satisfaction by those present.

If we have not already occupied, Mr. Editor, too much of the columns of your paper, we would express, in closing this notice of the Charity School, our surprise and regret at the little interest which, for a few years past, has been felt in our community in the welfare of this institution. We are at a loss to account for it, when we look back upon the past and call to mind the energy and warm interest manifested at its commencement by some of the old residents, when the foreign community was smaller than now, and the number of half-caste children less. It cannot be that the necessity for an institution like this is less with the present advancement of our population than before. We have had the public excited and awakened to temperance reforms and various other subjects of public interest; why not awaken them to this subject? The public, yea, the Government, as may reasonably be deduced from the remarks of His Excellency, the Minister of Instructions, all have a vital interest in this matter—whether the already large and increasing number of the children of Europeans, born on these Islands, shall grow up in ignorance and vice, or whether every effort shall be made to educate them as a useful class of the population of this little kingdom.

ICE MADE TO ORDER.—A new apparatus for cooling and freezing articles for family use, has been patented in England. During a late lecture, describing this machine, delivered by Dr. Ryan, the European Times says:—"Mr. Masters, who was called upon by the doctor, to give an ocular proof of the advantages of his invention, which he did, by freezing, in the presence of a crowded auditory, some desert ice, in the incredible short interval of two minutes and a half; after which the inventor immediately produced from a cylinder a beautifully ornamented block of ice, in the shape of a turret, in which various green leaves and fruit were imbedded, which had congealed in the same machine during the course of the lecture."

The Consul of France and family arrived from Kauai on the 1st inst., in the French ship Gustave, under whose salute he landed, on the same day.